

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
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O 051404Z MAY 78

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC IMMEDIATE 4928

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E.O. 11652: N/A

TAGS: EAIR PL

SUBJ: CIVAIR CONSULTATIONS

REF: STATE 085298

1. ON MAY 5, LUKASIK OF THE MINISTRY OF FOREIGN AFFAIRS DELIVERED THE FOLLOWING NOTE DATED MAY 4, 1978, TO AN EMBASSY OFFICER. THE NOTE IS A REPLY TO THE NOTE CONTAINED IN REF. THE FOLLOWING IS AN INFORMAL TRANSLATION:

2. BEGIN TEXT (AFTER COMPLIMENTARY OPENING). THE MINISTRY OF FOREIGN AFFAIRS HAS THE HONOR TO REPLY TO EMBASSY NOTES NUMBER 10 DATED MAR 28, 1978, AND NUMBER 11, DATED APRIL 4, 1978.

3. THE ABOVE MENTIONED NOTES AMONG OTHER THINGS CALL ATTENTION TO THE SUBJECT OF THE BEHAVIOR OF THE POLISH GOVERNMENT IN ITS RELATIONS WITH THE US AIR CARRIER. THIS DISCUSSION, TO THE POLISH GOVERNMENT, IS INCOMPREHENSIBLE AND BASED, IT APPEARS, ON INACCURATE INFORMATION.

4. THE POLISH GOVERNMENT HAS NEVER GRANTED APPROVAL FOR DAILY PAN AM FLIGHTS ON THE 707 (ONLY ON THE 727) OR FIFTH FREEDOM RIGHTS ON THE NEW WARSAW-VIENNA ROUTE. INSTEAD, IN AGREEMENT

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WITH THE SUGGESTION PRESENTED BY REPRESENTATIVES OF THE US EMBASSY ON MARCH 20, 1978, IN THE MINISTRY OF FOREIGN AFFAIRS, AND ALSO THE LATER APPLICATION BY PAN AM TO THE CIVIL AVIATION AUTHORITIES, THE POLISH GOVERNMENT GRANTED APPROVAL TO THE PAN AM PROPOSAL TO FLY SIX FLIGHTS WEEKLY WITH THE 707 ON THE NEW YORK-VIENNA-WARSAW ROUTE EXCLUDING -- AS IT WAS DISCUSSED DURING THE CONSULTATIONS IN THE MINISTRY OF FOREIGN AFFAIRS -- COMM-

ERCIAL RIGHTS ON THE WARSAW-VIENNA LEG. THE POLISH GOVERNMENT IS PREPARED TO ENTER INTO FURTHER DISCUSSIONS ON THE TOPIC OF PAN AM PRIVILEGES IN THE CONTEXT OF RIGHTS FOR THE POLISH CARRIER.

5. THE UNFAIRNESS OF THE ACCUSATION THAT THE POLISH GOVERNMENT REFUSES TO ADMIT THE WIDE-BODIED AIRCRAFT WAS CLARIFIED IN A NOTE DATED JANUARY 12, 1978.

6. ON THE SUBJECT OF PAN AM TARIFFS, THEY WERE APPROVED ON A RECIPROCAL BASIS BY THE CENTRAL CIVIL AVIATION AUTHORITIES SO AS TO AGREE WITH THE CONDITIONS APPROVED BY THE US AUTHORITIES FOR LOT AND FORTUNATELY EVEN APPROVED AMENDMENTS IN THE PAN AM TARIFFS WHICH WILL HAVE THE EFFECT OF PUTTING THIS CARRIER IN A MORE ADVANTAGEOUS POSITION THAN LOT (E.G., APEX TARIFF, THE PERIOD OF APPLICATION IS LONGER, ETC.). AS IT IS KNOWN, THE APPROVAL OR DISAPPROVAL OF TARIFFS LIES IN THE JURISDICTION OF THE AUTHORITIES OF BOTH COUNTRIES, WHICH IS ATTESTED TO EQUALLY BY THE PRACTICES OF THE CAB, SO THAT IT IS NOT POSSIBLE TO SPEAK OF THE DUTY TO APPROVE A TARIFF BY THE AUTHORITIES OF THE OTHER SIDE.

7. THE STATEMENT IS INCOMPREHENSIBLE THAT THE POLISH GOVERNMENT HAS UNILATERALLY LIMITED CHARTER FLIGHTS SINCE THE PAN AM CHARTER PROGRAM HAS BEEN APPROVED IN ITS ENTIRETY (OTHER US CARRIERS DID NOT APPLY), OF COURSE WITH THE RESTRICTION AND UNDER THE CONDITION THE LOT OPERATIONS WILL NOT BE RESTRICTED.
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8. ON THE SUBJECT OF SALES OF AIRWAY TICKETS FOR POLISH CURRENCY ON PAN AM, THE INABILITY TO MEET THE AGREED LEVEL IS BECAUSE FEWER CITIZENS OF POLAND HAVE TRAVELLED TO THE US DUE TO THE RESTRICTIONS ON VISA ISSUANCE ON THE PART OF THE US AUTHORITIES.

9. IN JUNE OF 1977, REPRESENTATIVES OF THE US DEPARTMENT OF STATE GAVE ASSURANCES OF THEIR SATISFACTION WITH THE FULFILLMENT OF THE AGREEMENT, AND NO WARNING WAS GIVEN TO THE POLISH GOVERNMENT UNTIL THE END OF 1977. UNDER THESE CONDITIONS THERE WAS NO POSSIBILITY TO INTERVENE WITH THE INTENTION OF INCREASING THE EFFORTS OF LOT TO PLACE PASSENGERS ON PAN AM WHICH WAS NOT EASY ANYWAY BECAUSE THE FLIGHTS OFFERED BY PAN AM WERE NOT CONVENIENT.

10. IN LIGHT OF THESE FACTS, THE POLISH GOVERNMENT CONSIDERS THE COMPLAINT IN NOTE NUMBER 11, DATED APRIL 4, 1978, AS GROUNDLESS AND CALLS ATTENTION TO THE FACT THAT IT IS NOT POSSIBLE TO DEMAND ONE-SIDED CONCESSIONS BY THE POLISH SIDE ON THE DAY BEFORE CONSULTATIONS ON THE ENTIRE SCOPE OF RELATIONS IN AIRLINE COMMUNICATIONS. SUCH A DEMAND WOULD FURTHER DISRUPT EQUALLY RECIPROCAL ADVANTAGES WHICH HAVE ALREADY BEEN DISTURBED, AS HAS BEEN EXPLAINED IN THE NOTE DATED JANUARY 21, 1978, AS A

RESULT OF THE ONE-SIDED ACTIVITIES OF THE US AUTHORITIES AND
WHE US CARRIER.

11. AT THE SAME TIME, HOWEVZI, HAVING IN MIND THE NEED FOR
INCREASED CARRIERS BETWEEN THE TWO COUNTRIES IN THE UPCOMING SEASTK,
THE POLISH GOVERNMENT IS PREPARED, EVEN BEFORE THE BEGINNING OF
THE CONSULTATIONS TO GIVE ITS APPROVAL FOR THE INAUGURATION FROM
MAY 15, 1978, OF SEVEN FLIGHTS PER WEEK ON 707 BY PAN AM TO WARSAW
WITHOUT FIFTH FREEDOM RIGHTS ON THE WARSAW-VIENNA LEG IF THE
POLISH CARRIER WILL RECEIVE SATISFACTORY APPROVAL FOR ITS
APPLICATION TO ADD 25 ADDITIONAL SECTIONS ON ITS FLIGHT ON THE
WARSAW-NEW YORK ROUTE. (COMPLIMENTARY CLOSING FOLLOWS.)
END TEXT.

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12. WE WILL SEND ORIGINAL NOTE BY AIR POUVP TO THE DEPARTMENT.
BROWN

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